

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.560 of 2016 (O&M)
Date of decision: 17th August, 2016

Yatish Kumar Goel

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sudhir Mittal, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for respondent No.1.

Mr. Deepender Singh, Advocate for respondent No.2.

FATEH DEEP SINGH, J.

Allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C. launched by complainant Lalit Gupta are as follows:-

The petitioner Yatish Kumar Goel, Advocate was engaged by the complainant who happens to be the Managing Director of Spectra Televentures Private Limited, Gurgaon for contesting legal cases/matters on their behalf. The complainant, his wife and others received notice under Section 160 Cr.P.C. purported to have been sent by one Sh.C.K. Sharma SI, Crimes Branch, Delhi calling upon them to appear before the police and subsequently it transpired that the said notice was sent mischievously and was a fake one under an

impersonation and was aimed at intimidating the complainant and to extract money from him. But before that, it came to light that the said notice was handiwork of the petitioner who happens to be the counsel of the complainant and in fact was a ploy to fleece the complainant by putting forth his business transactions and intimidating him and in the process during that period petitioner took ₹4.00 lacs, ₹3.52 lacs, ₹3.20 lacs, ₹3.20 lacs and ₹32,650 respectively on the pretext of Court fees, labour cess etc. but which in fact was never put in the process for any relief to the complainant and also charged ₹9.00 lacs as legal fees. Thus, on account of this illegal extortion by the lawyer from his client present case was got registered as no such legal redress was initiated by the lawyer on behalf of the complainant client. It is pertinent to mention here that a part of this money of ₹6.00 lacs was got transferred in the account of mother of the petitioner and thus, he usurped the entire money for his personal gain.

The contentions of learned counsel for the petitioner that the petitioner Advocate had initially filed criminal complaint against the complainant and that the present case is an afterthought by way of counterblast and that from the bare perusal of the allegations, nothing criminal is revealed. The State has stoutly opposed the grant of relief on the grounds that without invoking the powers of Sessions Court, the petitioner has directly come to this Court and thus, the petition was not maintainable and in view of the gross fraudulent conduct by an

Advocate necessitates his custodial interrogation for recovery of entire documents and the amount.

Appreciating the submissions of the two sides, the petitioner as per the allegations is alleged to have misconducted himself and that too with his client who had reposed confidence in him, is in itself a very serious matter. The allegations in themselves bear out that it is a clear case of custodial interrogation and more so, provisions of Section 438 Cr.P.C. are to be rarely exercised very sparingly to meet the ends of justice. Petitioner has directly come to this Court and apparently there is no exceptional circumstance for entertaining the same without the petitioner having invoked jurisdiction of the Sessions Court in terms of Section 438 Cr.P.C. and therefore, to uphold judicial discipline as well as for judicial decorum the same needs to be discouraged.

In the totality of what has been detailed and discussed above, there is no merit in the present petition and the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 17, 2016
rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No